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OCT 16 2007

Docket No.: 13024/35946
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John McMichael et al.

Application No.: 09/495,186

Confirmation No.: 4501

Filed: February 1, 2000

Art Unit: 1635

For: TREATMENT OF SYMPTOMS OF ASTHMA,
ALLERGIES AND OTITIS MEDIA

Examiner: M. C. Wilson

REQUEST FOR REFUND OF EXCESS FILING FEES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This application is entitled to Small Entity Status as of February 25, 2000 when a Verified Statement Claiming Small Entity Status was submitted to the Patent Office.

On October 4, 2007, Applicant submitted an Amendment and Petition for Three Months Extension of Time in response to an Office Action dated April 10, 2007. As evidenced by the enclosed copy of the Petition for Extension, the extension fee due was \$525.00. However, on the enclosed copy of the electronic acknowledgement receipt, the fee paid via Deposit Account No. 13-2855 was \$1050.00 due to a clerical error in creating the electronic fee sheet.

Applicant respectfully requests the Patent Office to refund the excess fees and credit Deposit Account No. 13-2855 in the amount of \$525.00.

Dated: October 16, 2007

Respectfully submitted,

By 
Jeffrey S. Sharp

Registration No.: 31,879
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300, Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant

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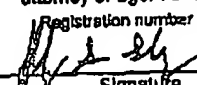
OCT 16 2007


PTO/SB/22 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 <small>(Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</small>		Docket Number (Optional) 13024/35946																									
Application Number 09/495,188-Conf. #4501		Filed February 1, 2000																									
For TREATMENT OF SYMPTOMS OF ASTHMA, ALLERGIES AND OTITIS MEDIA																											
Art Unit 1632		Examiner M. C. Wilson																									
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;"></th> <th style="width:15%; text-align: center;">Fee</th> <th style="width:15%; text-align: center;">Small Entity Fee</th> <th style="width:30%;"></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$120</td> <td style="text-align: center;">\$80</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$450</td> <td style="text-align: center;">\$225</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1020</td> <td style="text-align: center;">\$510</td> <td>\$ 525.00</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1690</td> <td style="text-align: center;">\$795</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2160</td> <td style="text-align: center;">\$1080</td> <td>\$ _____</td> </tr> </tbody> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>13-2855</u>. I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>31,879</u></p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34.</p> <p style="margin-left: 100px;"><small>Registration number if acting under 37 CFR 1.34</small></p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <p style="text-align: center;"> _____ Signature</p> <p style="text-align: center;">Jeffrey S. Sharp _____ Typed or printed name</p> </div> <div style="width: 35%; text-align: center;"> <p>October 4, 2007 _____ Date</p> <p>(312) 474-6300 _____ Telephone Number</p> </div> </div> <p><small>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</small></p> <p><input type="checkbox"/> Total of <u>1</u> forms are submitted.</p>					Fee	Small Entity Fee		<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$80	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____	<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ 525.00	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1690	\$795	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____
	Fee	Small Entity Fee																									
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$80	\$ _____																								
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<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____																								

<p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).</p> <p>Dated: October 4, 2007 Signature:  (Jeffrey S. Sharp)</p>	
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Electronic Acknowledgement Receipt

EFS ID:	2279308
Application Number:	09495186
International Application Number:	
Confirmation Number:	4501
Title of Invention:	TREATMENT OF SYMPTOMS OF OTITIS MEDIA
First Named Inventor/Applicant Name:	John McMichael
Correspondence Address:	Marshal Otoole Gerstein Murray & Borun - 6300 Sears Tower 233 South Wacker Drive Chicago IL 60608-6402 US 312-474-6300
Filer:	Jeffrey S. Sharp
Filer Authorized By:	
Attorney Docket Number:	13024/35848
Receipt Date:	04-OCT-2007
Filing Date:	01-FEB-2000
Time Stamp:	17:31:12
Application Type:	Utility under 35 USC 111(a)

Payment Information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 1050
RAM confirmation Number	2398

Deposit Account	132855
The Director of the USPTO is hereby authorized to charge indicated fees and <u>credit any overpayment as follows:</u>	
Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		35946.PDF	390456 3d7619c378e331e15c0022115783f9 715a78ca	yes	6
Multipart Description/PDF files in .zip description					
	Document Description		Start		End
	Miscellaneous Incoming Letter		1		1
	Amendment - After Non-Final Rejection		2		2
	Claims		3		3
	Applicant Arguments/Remarks Made in an Amendment		4		5
	Extension of Time		6		6
Warnings:					
Information:					
2	Applicant Arguments/Remarks Made in an Amendment	appendxA.PDF	181508 a70c5170c2b294e585046294c34c21 c083000a	no	3
Warnings:					
Information:					
3	Applicant Arguments/Remarks Made in an Amendment	appendxB.PDF	135849 e330003c27c0b1b60a4610c5b0c0c934 c087784d	no	1
Warnings:					
Information:					
4	Applicant Arguments/Remarks Made in an Amendment	appendxC.PDF	687826 07b1684105a0c0b771470b3570224dc4 02a020d3	no	5
Warnings:					
Information:					
5	Fee Worksheet (PTO-06)	fee-info.pdf	8147 802b6c4472a20a7330431284a002707cb 05a0c017	no	2
Warnings:					
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FAX TRANSMISSION

DATE: October 16, 2007

PTO IDENTIFIER: Application Number 09/495,186
Patent Number

Inventor: John McMichael et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: MARSHALL, GERSTEIN & BORUN LLP
Jeffrey S. Sharp

PHONE: (312) 474-6300

Attorney Dkt. #: 13024/35946

PAGES (Including Cover Sheet): 6

CONTENTS: Request For Refund Of Excess Filing Fees (1 page)
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Copy of Previous Electronic Acknowledgement Sheet (2 pages)
Certificate of Transmission (1 page)

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Application No. (if known): 09/495,188

Attorney Docket No.: 13024/35946

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on October 16, 2007
Date



Signature

Terre L. Robertson

Typed or printed name of person signing Certificate

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Fax Cover Sheet (1 page)
Request For Refund Of Excess Filing Fees (1 page)
Copy of Previous Extension Request (1 page)
Copy of Electronic Acknowledgement Receipt (2 pages)

Electronic Patent Application Fee Transmittal

Application Number:	09495186			
Filing Date:	01-Feb-2000			
Adjustment date: 11/08/2007 SFELEKE1 10/05/2007 INTEFSW 00002396 132855 09495186 01 FC:1253 1050.00 CR Title of Invention: 11/08/2007 SFELEKE1 00000001 132855 09495186 01 FC:2253 525.00 DA	TREATMENT OF SYMPTOMS OF OTITIS MEDIA			
First Named Inventor/Applicant Name:	John McMichael			
Filer:	Jeffrey S. Sharp/Terre Robertson			
Attorney Docket Number:	13024/35946			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	1253	1	1050	1050

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1050